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AUG 16 2010
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
E-filing

9 *Attorneys for Plaintiff*
IMPLICIT NETWORKS, INC.

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12 UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 IMPLICIT NETWORKS, INC.,

15 Plaintiff,

16 v.

17 CISCO SYSTEMS, INC.,

18 Defendant.
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CV 10 3606
Case No. _____

**ORIGINAL COMPLAINT AND
DEMAND FOR JURY TRIAL**

HRL

1 Plaintiff Implicit Networks, Inc. ("Implicit" or "Plaintiff") hereby files its complaint
2 against defendant Cisco Systems, Inc. ("Cisco" or "Defendant"), for patent infringement.
3 For its complaint, Plaintiff alleges, on personal knowledge as to its own acts and on
4 information and belief as to all other matters, as follows:

5 **PARTIES**

6 1. Implicit is a corporation organized under the laws of the State of
7 Washington, with its principal place of business in Seattle, Washington.

8 2. Cisco is a corporation organized under the laws of the State of California, with
9 its principal place of business in San Jose, California.

10 **JURISDICTION AND VENUE**

11 3. This complaint asserts a cause of action for patent infringement under the
12 Patent Act, 35 U.S.C. § 271. This Court has subject matter jurisdiction over this matter by
13 virtue of 28 U.S.C. § 1338(a). Venue is proper in this Court by virtue of 28 U.S.C. § 1391(b)
14 and (c) and 28 U.S.C. § 1400(b), in that Cisco may be found in this district, have committed
15 acts of infringement in this district, and a substantial part of the events or omissions giving
16 rise to the claim occurred and a substantial part of property that is the subject of the action is
17 situated in this district.

18 4. This Court has personal jurisdiction over Cisco because Defendant has a place
19 of business in, and provides infringing products and services in, the Northern District of
20 California.

21 **INTRADISTRICT ASSIGNMENT**

22 5. Pursuant to Civil LR 3-2(c), this case should be subject to district-wide
23 assignment because it is an Intellectual Property Action.

COUNT I

PATENT INFRINGEMENT

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3 6. On September 30, 2003, United States Patent No. 6,629,163 (“the Patents-in-
4 Suit patent”) entitled “Method and System for Demultiplexing a First Sequence of Packet
5 Components to Identify Specific Components Wherein Subsequent Components are
6 Processed Without Re-Identifying Components” was duly and legally issued. A true and
7 correct copy of the ‘163 patent is attached as Exhibit A. On June 22, 2010, an Ex Parte
8 Reexamination Certificate was duly and legally issued. A true and correct copy of the
9 Reexamination Certificate is attached as Exhibit B.
10

11 7. On May 4, 2010, a continuation patent was issued, United States Patent No.
12 7,711,857 (“the ‘857 patent”) entitled “Method and System for Data Demultiplexing” was
13 duly and legally issued. A true and correct copy of the ‘857 patent is attached as Exhibit C.
14

15 8. Edward Balassanian is the sole inventor of the ‘163 and ‘857 patents
16 (collectively “Patents-in-Suit”). The Patents-in-Suit have been assigned to Plaintiff. Plaintiff
17 Implicit is the sole legal and rightful owner of the Patents-in-Suit.

18 9. Cisco makes, uses, and sells products that infringe the Patents-in-Suit, such
19 products including without limitation, (1) the Cisco Internetwork Operating System (IOS)
20 software on the Cisco Integrated Services Routers and WAN aggregation routers offers a
21 suite of security technologies including: Cisco IOS Firewall, Intrusion Prevention System
22 (IPS), IPsec VPN and SSL VPN, and Cisco IOS Content Filtering, (2) Service Control
23 Application for Broadband, Service Control Application for Mobile Networks, SCE 1000-
24 8000 series Service Control Engine incorporating Cisco’s Service Control Engine, and (3)
25 Cisco’s Quality of Service feature of its IOS with Network Based Application Recognition
26 (NBAR). In addition, Cisco has infringed and is still infringing the Patents-in-Suit patents in
27
28

1 this country, through, *inter alia*, its active inducement of others to make, use, and/or sell the
2 systems, products and methods claimed in one or more claims of the patents. In addition,
3 Cisco has infringed and is still infringing these patents in this country through, *inter alia*,
4 providing and selling goods and services including products designed for use in practicing
5 one or more claims of the patents, where the goods and services constitute a material part of
6 the invention and are not staple articles of commerce, and which have no use other than
7 infringing one or more claims of the patents. Cisco has committed these acts with knowledge
8 that the goods and services it provides are specially made for use in a manner that directly
9 infringes these patents.
10

11 10. As a result of the infringement by Cisco, Plaintiff has been damaged, and will
12 continue to be damaged, until this Defendant is enjoined from further acts of infringement.

13 11. Cisco will continue to infringe unless enjoined by this Court. Plaintiff faces
14 real, substantial and irreparable damage and injury of a continuing nature from infringement
15 for which Plaintiff has no adequate remedy at law.
16

17 WHEREFORE, Plaintiff prays for entry of judgment:

18 A. that the Patents-in-Suit patent is valid and enforceable;

19 B. that Defendant has infringed one or more claims of the Patents-in-Suit
20 patent;

21 C. that Defendant account for and pay to Plaintiff all damages caused by the
22 infringement of the Patents-in-Suit patents, which by statute can be no less than a
23 reasonable royalty;
24

25 D. that Plaintiff be granted pre-judgment and post-judgment interest on the
26 damages caused to them by reason of Defendant's infringement of the Patents-in-Suit
27 patent;
28

1 E. that this Court require Defendant to file with this Court, within thirty (30)
2 days after entry of final judgment, a written statement under oath setting forth in detail
3 the manner in which Defendant has complied with the injunction;

4 F. that this be adjudged an exceptional case and the Plaintiff be awarded its
5 attorney's fees in this action pursuant to 35 U.S.C. § 285;

6 G. that this Court award Plaintiff its costs and disbursements in this civil
7 action, including reasonable attorney's fees; and

8 H. that Plaintiff be granted such other and further relief as the Court may
9 deem just and proper under the current circumstances.
10

11 Dated: August 16, 2010

Respectfully submitted,

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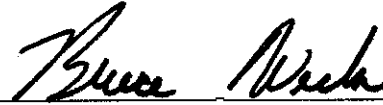
DEMAND FOR JURY TRIAL

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Plaintiff, by its undersigned attorneys, demands a trial by jury on all issues so triable.

Dated: August 16, 2010

Respectfully submitted,



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